UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOSEPH M. CARPINO,

Plaintiff,

v.

DR. MARTIN NAUGHTON, et al.,

Defendants.

Case No.: 3:18-cv-00506-MMD-WGC

Order

Re: ECF No. 15

On January 13, 2020, Plaintiff filed a First Amended Complaint. (ECF No. 15.) A plaintiff may file an amended pleading once as a matter of right within 21 days of service of the prior pleading. Fed. R. Civ. P. 15(a)(1)(A). Service by defendants Mitchell and Naughton was accepted on January 2, 2010; therefore, Plaintiff's filing of the amended complaint is proper under Rule 13||15(a)(1)(A). Defendants have moved to strike the amended complaint on the basis that it seeks to incorporate all facts and statements set forth in the original complaint, and the court's rules require 15 an amended pleading to be complete in and of itself. (ECF No. 16.) The court has undertaken a review of the amended complaint. While it includes the language "Plaintiff hereby incorporates all facts and statement[s] set forth in the original complaint" at the end of each count, the court has 18 reviewed the original and amended complaint and it appears that the amended complaint includes all of the factual allegations that support the claims being asserted in the amended complaint.

Therefore, Plaintiff must file a notice with the court within 14 days of the date of this Order advising the court and Defendants whether there are any allegations or statements from the original complaint which do not appear in the amended complaint that Plaintiff wishes to be a part of his 23 amended complaint. If there are none, then the court will proceed with screening the amended

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1 complaint, and will construe it, based on Plaintiff's representations, to be complete in and of itself. 2 If this is the case, the court will issue an order denying Defendants' motion to strike as moot. If 3 there are allegations or statements in the original complaint that are not asserted in the amended 4 complaint, Plaintiff shall so notify the court, and the court will issue an order granting Defendants' 5 motion to strike and will give Plaintiff a deadline to file an amended complaint that is complete in and of itself. IT IS SO ORDERED. Dated: January 17, 2020 Willen G. Cobb William G. Cobb United States Magistrate Judge